

LEWIS & LIN LLC

77 SANDS STREET, 6TH FLOOR
BROOKLYN, NY 11201
TEL: (718) 243-9323 FAX: (718) 243-9326
WWW.ILAWCO.COM

PARTNERS

Brett E. Lewis
David D. Lin

SENIOR COUNSEL

Nicole Haff

OF COUNSEL

Eric Belanger
Roberto Ledesma

COUNSEL

Michael D. Cilento
Jane J. Jaang

ASSOCIATES

Anna Iskikian
Rachel Ann Niedzwiedek
Savita Sivakumar
Shuyu Wang

May 1, 2025

Via ECF

Honorable Judith C. McCarthy
United States Magistrate Judge, Southern District of New York
The Honorable Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

*RE: Paul Saladino, MD v. Frank Tufano
& Frankie's Free-Range Meat, LLC
Case No. 20-CV-09346 (NSR) (JCM)*

Dear Magistrate Judge McCarthy:

I am counsel for Plaintiff and write to request a conference regarding Defendant Frank Tufano's ("Mr. Tufano") status as a *pro se* litigant, the representation of Defendant Frankie's Free-Range Meat, LLC ("FFRM"), and Mr. Tufano's recent motion filings to this docket. We ask for the Court's assistance to clarify the status of Defendants' representation and to set a briefing schedule, if any is required, to respond to the new filings submitted by Defendants.

As this Court is aware, on January 30, 2025, District Judge Nelson Román entered an Order of Default to Mr. Tufano and FFRM (ECF No. 59) and referred this case to Your Honor for an Inquest after Default/Damages Hearing (ECF No. 60). On February 26, 2025, this Court held a Telephone Conference and set a briefing schedule for the Inquest after Default, with Plaintiff's application for inquest due March 21, 2025, Defendants' response due April 4, 2025, and Plaintiff's reply due April 11, 2025. (Minute Entry for Proceedings Held on February 26, 2025).

Throughout these default proceedings and during the February 26, 2025, Telephone Conference, Mr. Tufano and FFRM were represented by counsel Mr. Farrukh Nuridinov. *See* Appearance of Counsel, ECF No. 43. Since his appearance, Mr. Nuridinov and I have communicated many times concerning this case, including by email in January and February 2025.

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On March 21, 2025, Plaintiff submitted his Application for Inquest in accordance with the set briefing schedule (ECF No. 62). On April 7, 2025, Mr. Tufano, purporting to be proceeding *pro se*, filed a “Motion to Vacate Inquest” containing arguments in opposition to Plaintiff’s Application. (ECF No. 65). Plaintiff construed this filing as an opposition to the Application for Inquest, and replied to it on April 11, 2025 (ECF No. 66). On April 29, 2025, Mr. Tufano submitted two more “*pro se*” filings, a “Motion to Dismiss” (ECF No. 67) and a “Response to Support of Application to Vacate Inquest and Request for Postponement of Case to Medical Emergency” (ECF No. 68).

According to the Court’s docket, Mr. Tufano and FFRM are still represented by counsel, Mr. Nuridinov, and Tufano’s status as a *pro se* litigant has not been granted by the Court. Mr. Nuridinov has not applied to this Court to withdraw his representation, and remains counsel of record. It is unclear why Tufano is filing as a *pro se* litigant. Further, as Tufano has already been informed, FFRM is a corporate entity and requires legal representation. *See* Memo Endorsed Order Granting Motion to Withdraw (ECF No. 18) (“If Defendant intends to proceed *pro se*, counsel must still be retained for the corporate defendant. Second Circuit case law indicates that a *pro se* litigant cannot represent a corporate entity.”) We ask the Court to set a conference to clarify Defendants’ and Mr. Nuridinov’s relationship.

Relatedly, Mr. Tufano has now filed three separate motions, a Motion to Vacate Default (ECF No. 62), a Motion to Dismiss (ECF No. 67), and a Response/Request for Postponement (ECF No. 68). It is Plaintiff’s position that all of these filings are procedurally and legally deficient. However, we request that the Court clarify which motions should be responded to, and which should be treated as oppositions or improperly filed sur-replies.

Accordingly, Plaintiff requests that the Court hold a conference requiring the attendance of both Mr. Nuridinov and Mr. Tufano to determine the representation status of Defendants, and if necessary, to set a briefing schedule for the motions that have been submitted by Mr. Tufano. We thank the Court for its attention.

Respectfully submitted,



David D. Lin

To All Counsel of Record via ECF

To Frank Tufano via U.S. Mail

Frank Tufano
23 Dundaff Street
Carbondale, PA 18407